

Item W05-06 Response Form

Title: Child Support: Miscellaneous Changes (revise forms FL-530, FL-615, FL-625, FL-665, FL-687, and FL-688)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, February 4, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Child Support: Miscellaneous Technical Changes (revise forms FL-530, FL-615, FL-625, FL-665, FL-687, and FL-688)
Summary	Assembly Bill 1704 made various changes to California's child support laws and mandated that the Judicial Council review and modify any relevant forms by July 1, 2005. AB 1752 eliminated the requirement that the court state its reasons for ordering the low-income adjustment because it is now rebuttably presumed. Additional changes have been made to forms to conform with recent statutory and other changes in the law as well as changes in forms guidelines and to correct typographical errors.
Source	Family and Juvenile Law Advisory Committee Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
Staff	Rita G. Mah, 415-865-7670, rita.mah@jud.ca.gov
Discussion	<p>Assembly Bill 1704 (Stats. 2004, ch. 339, chaptered August 30, 2004) eliminated the requirement to provide a <i>Child Support Case Registry Form</i> (form FL-191) in cases in which a local child support agency is providing child support services and provided a requirement for parents to notify the local child support agency of any changes in the name and address of his or her employment. The Family and Juvenile Law Advisory Committee proposes revising forms FL-530, <i>Judgment Regarding Parental Obligations (UIFSA)</i>; FL-615, <i>Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)</i>; FL-625, <i>Stipulation and Order (Governmental)</i>; FL-665, <i>Findings and Recommendation of Commissioner (Governmental)</i>; FL-687, <i>Order After Hearing (Governmental)</i>; and FL-688, <i>Short Form Order After Hearing (Governmental)</i>, effective July 1, 2005, to comply with changes in the law concerning how a parent reports changes in his or her place of residence or employment to the local child support agency.</p> <p>Assembly Bill 1752 (Stats. 2003, ch. 225, chaptered Aug. 11, 2003) provided that there is a rebuttable presumption that an obligor whose net disposable income is less than \$1,000 a month is entitled to a low-income adjustment and that a finding is no longer required when the low-income adjustment is applied. AB 1752 mandated that appropriate Judicial Council forms be modified by July 1, 2004. The advisory committee proposes revising forms FL-530, <i>Judgment Regarding Parental Obligations (UIFSA)</i>; FL-665, <i>Findings and Recommendation of Commissioner (Governmental)</i>; and FL-687, <i>Order After Hearing (Governmental)</i>, to delete the requirement that</p>

the court state its reasons for ordering the low-income adjustment when such an adjustment is applied.

The advisory committee proposes the following revisions to forms to comply with AB 1704 and AB 1752:

Revise form FL-530, *Judgment Regarding Parental Obligations (UIFSA)*. This form is initially attached as an exhibit to the summons and uniform support petition; in this instance, box 1(a) “NOTICE: THIS IS A PROPOSED JUDGMENT” is marked. The form is subsequently filed as the judgment with box 1(b) “NOTICE: THIS IS A JUDGMENT” marked instead of box 1(a). This form would be revised to (1) add a provision for “other” in (2)(c) after “petitioner” and “respondent,” (2) revise the low-income adjustment reference to comply with the statutory terms, (3) delete the requirement to provide a *Child Support Case Registry Form* and add a requirement for parents to notify the local child support agency of any changes in residence or employment, (4) clarify and replace the reference to “Respondent” in (6)(a) to “Obligor,” and (5) add a box and a space for “Supplemental” Judgment in the case caption box. Other changes would be made to comply with new forms guidelines and to correct typographical errors.

Revise form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)*, to (1) delete the requirement to provide a *Child Support Case Registry Form* and add a requirement for parents to notify the local child support agency of any changes in residence or employment; (2) add “per year” at the end of the sentence in the notice box at the bottom of the form, which was inadvertently omitted; and (3) comply with other forms guidelines changes and correct typographical errors

Revise form FL-625, *Stipulation and Order (Governmental)*, to (1) add “for court use only” in the file stamp box in the caption; (2) delete the requirement to provide a *Child Support Case Registry Form* and add a requirement for parents to notify the local child support agency of any changes in residence or employment; (3) add a date, name, and signature line for the “Signature of Other Parent,” which was inadvertently omitted, above the section for the “Signature of Attorney for Other Parent” on page 3; and (4) comply with other forms guidelines changes and correct typographical errors.

Revise form FL-665, *Findings and Recommendation of Commissioner (Governmental)*, to (1) delete the requirement to provide a *Child*

Support Case Registry Form and add a requirement for parents to notify the local child support agency of any changes in residence or employment, (2) revise the low-income adjustment reference to comply with the statutory terms, and (3) comply with other forms guidelines changes and correct typographical errors.

Revise form FL-687, *Order After Hearing (Governmental)*, to (1) delete the requirement to provide a *Child Support Case Registry Form* and add a requirement for parents to notify the local child support agency of any changes in residence or employment, (2) revise the low-income adjustment reference to comply with the statutory terms, and (3) comply with other forms guidelines changes and correct typographical errors.

Revise form FL-688, *Short Form Order After Hearing (Governmental)*, to (1) clarify “obligor” as the parent ordered to pay support, (2) clarify that the order is “suspended” or “terminated” pending further hearing and provide the date that the suspension or termination begins, and (3) comply with other forms guidelines changes and correct typographical errors.

In addition, the manner in which forms FL-615, FL-625, FL-665, and FL-687 are to be used would be revised. These forms would be “adopted for Alternative Mandatory Use in Lieu of Form FL-692,” as indicated in the lower left-hand corner. Revisions to form FL-692 are part of the packet entitled *Child Support: Miscellaneous Technical Changes Relating to the Child Support Case Registry* (revise forms FL-191, FL-630, FL-632, and FL-692).

The revised forms are attached at pages 4–18.

Attachments

1. a. ☐ **NOTICE: THIS IS A PROPOSED JUDGMENT.** This *Judgment Regarding Parental Obligations (UIFSA)* will be entered by the court and will become legally binding unless you fill out and file the *Response to Uniform Support Petition (UIFSA)* (FL-520) with the court clerk within 30 days of the date you were served with the *Summons (UIFSA)* (FL-510) and *Uniform Support Petition* (FL-500/OMB 0970-0085). If you need a *Response* form, you may get one from the local child support agency, the court clerk, or the family law facilitator. The family law facilitator will help you fill out the forms. To file the *Response*, follow the procedures listed in the information sheet attached to that form.
- b. ☐ **NOTICE: THIS IS A JUDGMENT.** It is now legally binding.
2. **THIS MATTER PROCEEDED AS FOLLOWS:**
- a. ☐ Judgment entered under Family Code section 5002.
- b. ☐ By court hearing, appearances as follows:
- (1) Date: _____ Dept.: _____ Judicial officer: _____
- (2) ☐ Petitioner present ☐ Attorney present (*name*): _____
- (3) ☐ Respondent present ☐ Attorney present (*name*): _____
- (4) Child support agency (Family Code, §§ 17400, 17406) by (*name*): _____
- (5) ☐ Other (*specify*): _____
- c. The obligor (the parent ordered to pay support) is ☐ petitioner ☐ respondent ☐ other (*specify*): _____
3. ☐ This order is based on presumed income for the obligor under Family Code section 5002.
4. ☐ Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, shall become the court's findings.
5. ☐ This order is based on the attached documents (*specify*): _____

a. Obligor is the parent of the children named in item 6b.
 has previously been determined to be the parent of the children named in item 6b.

b. Obligor must pay current child support as follows:

Monthly support amount

- NOTICE: Any party required to pay child support must pay interest on overdue amounts at the “legal” rate, which is currently 10 percent per year.**

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. b. (2) ☐ For a total of: _____ payable on the: _____ day of each month
beginning (date) _____

- (3) ☐ The low-income adjustment applies.
☐ The low-income adjustment does not apply because (*specify reasons*):

(4) Any support ordered will continue until further order of court, unless terminated by operation of law.

c. ☐ Obligor must pay child support for the past periods and in the amounts set forth below:

<u>Name</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
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(1) ☐ Other (*specify*):

(2) ☐ For a total of: \$ _____ payable: \$ _____ on the: _____ day of each month
beginning (*date*): _____

(3) ☐ Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

d. No provision of this judgment operates to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

e. All payments must be made to (*name and address of agency*):

f. **An earnings assignment order for support must issue.**

g. ☐ Obligor ☐ Oblige must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; and (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment must issue.

h. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

i. The form *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (FL-192) is attached.

j. ☐ Obligor must pay costs of: \$ _____

k. ☐ The court further orders (*specify*):

Date: _____

JUDICIAL OFFICER OF THE SUPERIOR COURT

7. Number of pages attached: _____

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Approved as conforming to court order: Date: _____ <div style="border-top: 1px solid black; height: 20px; width: 100%;"></div> <div style="text-align: center; font-size: small;">(SIGNATURE OF ATTORNEY FOR OBLIGOR)</div>

a. ☐ By written stipulation without court appearance.

b. ☐ By court hearing, appearances as follows:

(1) Date: _____ Dept.: _____ Judicial officer: _____

(2) ☐ Petitioner/plaintiff present ☐ Attorney present (*name*): _____

(3) ☐ Respondent/defendant present ☐ Attorney present (*name*): _____

(4) ☐ Other parent present ☐ Attorney present (*name*): _____

(5) Local child support agency (Family Code, §§ 17400, 17406) by (*name*): _____

(6) ☐ Other (*specify*): _____

c. The obligor (the parent ordered to pay support) is the ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other parent.

a. Obligor has read and understands the Advice and Waiver of Rights for Stipulation on page 4 of this form. Obligor gives up these rights and freely agrees that a judgment may be entered in accordance with this stipulation.

b. The amount of support payable by the obligor as calculated under the guideline is: \$ _____ per month.

☐ We agree to guideline support.

☐ The guideline amount should be rebutted because of the following:

(1) ☐ We have been fully informed of the guideline amount of support; we agree voluntarily to child support in the amount of: \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below guideline, no change of circumstances need be shown to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.

(2) ☐ Other rebutting factors (*specify*): _____

c. ☐ Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

Form Adopted for Alternative Mandatory Use
in Lieu of Form FL-692
Judicial Council of California
FL-615 [Rev. July 1, 2005]

Page 1 of 4
Family Code, §§ 17400,
17402, 17406
www.courtinfo.ca.gov

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. d. The mother and father listed in the complaint are the parents of the children named in item 3e below.

e. Obligor must pay current child support as follows:

<u>Name</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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(1) ☐ Other (*specify*):

(2) ☐ For a total of: \$ payable on the: day of each month
beginning (*date*):

(3) ☐ The low-income adjustment applies.

☐ The low-income adjustment does not apply because (*specify reasons*):

(4) Any support ordered will continue until further order of court, unless terminated by operation of law.

f. ☐ Obligor must pay child support for the past periods and in the amounts set forth below.

<u>Name</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
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(1) ☐ Other (*specify*):

(2) ☐ For a total of: \$ payable: \$ on the: day of each month
beginning (*date*):

(3) ☐ Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

g. If this is a judgment on a *Supplemental Complaint*, it does not modify or supersede any prior judgment or order for support or arrearages, unless specifically provided.

h. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.








i. All payments must be made to (*name and address of agency*):

j. **An Order/Notice to Withhold Income for Child Support (form FL-195) will issue.**

k. ☐ Obligor ☐ Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. *l.* The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
- m.* The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- n.* ☐ Obligor must pay costs of: \$ _____ to *(specify)*: _____ on the following terms and conditions *(specify)*:
- o.* ☐ The following person (the “other parent”) is added as a party to this action under Family Code section 17404 *(name)*:
- p.* ☐ Other *(specify)*:

Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF LOCAL CHILD SUPPORT AGENCY)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF FATHER)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY FOR FATHER)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF MOTHER)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY FOR MOTHER)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF OTHER PARENT)
Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF ATTORNEY FOR OTHER PARENT)

JUDGMENT

4. **The court so orders.**
- Date: _____
5. Number of pages attached: _____
- _____ JUDICIAL OFFICER OF THE SUPERIOR COURT
- ☐ SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT AND WAIVER OF RIGHTS FOR STIPULATION

- 1. RIGHT TO BE REPRESENTED BY A LAWYER.** I understand that I have the right to be represented by a lawyer of my choice at my expense. If I cannot afford a lawyer to represent me, I can ask the court to appoint one to represent me free of charge only if I dispute that I am the parent of the children named in this action and only on the issue of parentage. I understand that the attorney for the local child support agency does not represent me.
- 2. RIGHT TO A TRIAL.** I understand that I have a right to have a judicial officer: (1) determine if I am the parent of the children named in the stipulation, (2) decide how much child support I must pay, and (3) decide how much I owe for arrearages (unpaid support).
- 3. RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES.** I understand that in a trial any allegations made against me must be proved. At the trial I may be present with a lawyer when witnesses testify, and I may ask them questions. I may also present evidence and witnesses.
- 4. RIGHT TO HAVE PARENTAGE TESTS WHERE THE LAW PERMITS.** I understand that, where the law permits, I have the right to have the court order parentage tests. The court will decide on the tests. The court could order that I pay none, some, or all of the costs of the tests.
- 5. ADMISSION AND WAIVER OF RIGHTS.** I understand that by agreeing to the terms of this stipulation, I am admitting that I am the parent of the children named in the stipulation and I am giving up the rights stated above.
- 6. WHERE THE STIPULATION INCLUDES CHILD SUPPORT.**
 - a. I understand that I will have the duty to obey the support order for the children named in the stipulation until the order is changed by the court or ended by law.
 - b. I also understand that the court will order any support payments to be paid directly from my wages or other earnings and sent to the local child support agency if they are assigned to collect the support.
 - c. I have been advised of the amount of guideline child support and how the proposed child support amount was determined.
- 7. WHERE THE STIPULATION INCLUDES A PROVISION FOR HEALTH INSURANCE.** I understand that I must keep health insurance coverage for the minor children if insurance is available, or becomes available, to me at no or reasonable cost. A health insurance coverage assignment/*National Medical Support Notice* may be ordered to get health insurance for my children.
- 8.** I agree to the terms of this stipulation freely and voluntarily.
- 9.** I understand that the local child support agency is required by state law to enforce the duty of support.
- 10. I UNDERSTAND THAT IF I WILLFULLY FAIL TO SUPPORT MY CHILDREN, CRIMINAL PROCEEDINGS MAY BE INITIATED AGAINST ME.**
- 11. COLLECTION OF SUPPORT.** I understand that any support I owe may be collected from any of my property. This collection may be made by intercepting money owed to me by the state or federal government (such as tax refunds, unemployment and disability benefits, and lottery winnings), by taking property I own, by placing a lien on my property, or by any other lawful means.
- 12. IF I AM REPRESENTED BY AN ATTORNEY, MY ATTORNEY HAS READ AND EXPLAINED TO ME THE TERMS OF THE STIPULATION AND THIS ADVISEMENT AND WAIVER OF RIGHTS, AND I UNDERSTAND THESE TERMS.**

- ☐ I have read and understand the *Advisement and Waiver of Rights for Stipulation*; or
☐ Attached is a translation of this *Advisement and Waiver of Rights for Stipulation* in (specify language):
☐ I understand the translation.

Date:

(TYPE OR PRINT NAME)



(PARTY'S SIGNATURE)

INTERPRETER'S DECLARATION: The above-named party is unable to read or understand this *Advisement and Waiver of Rights for Stipulation* because

- ☐ his or her primary language is (specify):
☐ other (specify):

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the above-named party the *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment*. The above-named party said he or she understood the terms of this *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* before signing it.

Date:

(TYPE OR PRINT NAME OF INTERPRETER)



(INTERPRETER'S SIGNATURE)

a. ☐ By written stipulation without court appearance.

b. ☐ By court hearing, appearances as follows:

(1) Date:	Dept.:	Judicial officer:
(2) <input type="checkbox"/> Petitioner/plaintiff present	<input type="checkbox"/> Attorney present (<i>name</i>):	
(3) <input type="checkbox"/> Respondent/defendant present	<input type="checkbox"/> Attorney present (<i>name</i>):	
(4) <input type="checkbox"/> Other parent present	<input type="checkbox"/> Attorney present (<i>name</i>):	
(5) Local child support agency (Family Code, §§ 17400, 17406) by (<i>name</i>):		
(6) <input type="checkbox"/> Other (<i>specify</i>):		

c. The obligor (the parent ordered to pay support) is the ☐ petitioner/plaintiff ☐ respondent/defendant ☐ other parent.

☐ This order is based on the attached documents (*specify*):

a. All orders previously made in this action remain in full force and effect except as specifically modified below.

b. The amount of support payable by obligor as calculated under the guideline is: \$ _____ per month.

☐ We agree to guideline support.

☐ The guideline amount should be rebutted because of the following:

(1) ☐ We have been fully informed of the guideline amount of support; we agree voluntarily to child support of: \$ _____ per month; the agreement is in the best interest of the children; the needs of the children will be met adequately by the agreed amount; the children are not receiving public assistance; no application for public assistance is pending; and application of the guideline would be unjust and inappropriate in this case. We understand that if the order is below guideline, no change of circumstances need be shown to raise this order to the guideline amount. If the order is above the guideline, a change of circumstances will be required to modify this order.

(2) ☐ Other rebutting factors (*specify*): _____

Form Adopted for Alternative Mandatory Use in Lieu of Form FL-692 Judicial Council of California FL-625 [Rev. July 1, 2005]	STIPULATION AND ORDER (Governmental) 10	Page 1 of 3 Family Code, §§ 17400, 17402, 17404, 17430 www.courtinfo.ca.gov
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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. c. ☐ Attached is a computer printout showing the parents' incomes and percentage of time each parent spends with the children. The printout, which shows the calculation of child support payable, will become the court's findings.

d. Obligor must pay current child support as follows:

<u>Name</u>	<u>Date of birth</u>	<u>Monthly support amount</u>
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(1) ☐ Other (*specify*):

(2) ☐ For a total of: \$ payable on the: day of each month
beginning (*date*):

(3) ☐ The low-income adjustment applies.

☐ The low-income adjustment does not apply because (*specify reasons*):

(4) Any support ordered will continue until further order of court, unless terminated by operation of law.

e. ☐ Obligor owes support arrears as follows, as of (*date*):

(1) ☐ Child support: \$ ☐ Spousal support: \$ ☐ Family support: \$

(2) ☐ Interest is not included and is not waived.

(3) ☐ Payable: \$ on the: day of each month
beginning (*date*):

(4) ☐ Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

f. No provision of this judgment may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

g. All payments must be made to (*name and address of agency*):

h. **An Order/Notice to Withhold Income for Child Support (form FL-195) will issue.**

i. ☐ Obligor ☐ Obligees must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and must keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services for the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

k. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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3. *l.* ☐ The following person (the "other parent") is added as a party to this action under Family Code section 17404 (*name*):

m. ☐ Other (*specify*):

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF FATHER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR FATHER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF MOTHER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR MOTHER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF OTHER PARENT)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR OTHER PARENT)

ORDER

4. **The court so orders.**

Date:

JUDICIAL OFFICER

5. Number of pages attached: _____

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

- (3) ☐ The low-income adjustment applies.
☐ The low-income adjustment does not apply because (specify reasons):

Page 1 of 3
Family Code, § 4251
www.courtinfo.ca.gov

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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5. c. (4) Any support ordered will continue until further order of court, unless terminated by operation of law.

d. ☐ Obligor must pay child support for past periods and in the amounts set forth below:

<u>Name</u>	<u>Date of birth</u>	<u>Period of support</u>	<u>Amount</u>
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(1) ☐ Other (*specify*):

(2) ☐ For a total of: \$ payable: \$ on the: day of each month
beginning (*date*):

(3) ☐ Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

e. ☐ Obligor owes support arrears as follows, as of (*date*):

(1) ☐ Child support: \$ ☐ Spousal support: \$ ☐ Family support: \$

(2) ☐ Interest is not included and is not waived.

(3) ☐ Payable: \$ on the: day of each month
beginning (*date*):

(4) ☐ Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

f. No provision of this judgment/order may operate to limit any right to collect the principal (total amount of unpaid support) or to charge and collect interest and penalties as allowed by law. All payments ordered are subject to modification.

g. All payments must be made to (*name and address of agency*):

h. **An Order/Notice to Withhold Income for Child Support (form FL-195) must issue.**

i. ☐ Obligor ☐ Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise available at no or reasonable cost, and must keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health care services for the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment must issue.

j. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

k. The form *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

l. ☐ The following person (the "other parent") is added as a party to this action under Family Code section 17404 (*name*):

m. ☐ Obligor must pay costs of (*specify*):
to (*specify*):

n. ☐ The court further recommends (*specify*):

Date:

6. Number of pages attached: _____

COMMISSIONER
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
---	--------------

CLERK'S CERTIFICATE OF MAILING OR SERVICE

I certify that I am not a party to this cause and that

- ☐ **Personal service.** A true copy of this *Findings and Recommendation of Commissioner* was handed to the
☐ petitioner/plaintiff ☐ respondent/defendant ☐ other parent
 at the hearing of this matter before the commissioner.
- ☐ **Mail.** A true copy of this *Findings and Recommendation of Commissioner* was mailed first class, postage fully prepaid, in a
 sealed envelope addressed as shown below, and that the request was mailed
 at (place): _____ California,
 on (date): _____

Date: _____ Clerk, by _____, Deputy

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

OTHER PARENT:

DRAFT 6
12-6-04 MC

ORDER AFTER HEARING

CASE NUMBER:

1. This matter proceeded as follows:
- | | | | |
|--|--------------------------------------|---|------------------------------------|
| | <input type="checkbox"/> Uncontested | <input type="checkbox"/> By stipulation | <input type="checkbox"/> Contested |
|--|--------------------------------------|---|------------------------------------|
- a. Date: _____ Dept.: _____ Judicial officer: _____
- b. ☐ Petitioner/plaintiff present ☐ Attorney present (*name*): _____
- c. ☐ Respondent/defendant present ☐ Attorney present (*name*): _____
- d. ☐ Other parent present ☐ Attorney present (*name*): _____
- e. Local child support agency attorney (Family Code, §§ 17400, 17406) by (*name*): _____
- f. ☐ Other (*specify*): _____
- g. The obligor (the parent ordered to pay support) is ☐ petitioner/plaintiff ☐ respondent/defendant
☐ other parent
2. ☐ Attached is a computer printout showing the parents' income and percentage of time each parent spends with the children.
The printout, which shows the calculation of child support payable, will become the court's findings.
3. ☐ This order is based on the attached documents (*specify*): _____

THE COURT ORDERS

4. a. All orders previously made in this action remain in full force and effect except as specifically modified below.
- b. Obligor is the parent of and must pay current child support for the following children:
- | <u>Name</u> | <u>Date of birth</u> | <u>Monthly support amount</u> |
|-------------|----------------------|-------------------------------|
|-------------|----------------------|-------------------------------|

- (1) ☐ Other (specify): _____
- (2) ☐ For a total of: \$ _____ payable on the: _____ day of each month
beginning (date): _____
- (3) ☐ The low-income adjustment applies.
☐ The low-income adjustment does not apply because (specify reasons): _____
- (4) Any support ordered will continue until further order of court, unless terminated by operation of law.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the “legal” rate, which is currently 10 percent per year.

2004 Cal ALS 339, *; 2004 Cal AB 1704

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2004 REGULAR SESSION

CHAPTER 339 (Assembly Bill No. 1704)

BILL TRACKING SUMMARY FOR THIS DOCUMENT

2004 Cal ALS 339; 2004 Cal AB 1704; Stats 2004 ch 339

Approved by Governor August 27, 2004. Filed with Secretary of State August 30, 2004. Urgency legislation is effective immediately. Non-urgency legislation will become effective January 1, 2005

To view the next section, type .np* and TRANSMIT.

To view a specific section, transmit p* and the section number. E.g. p*1

DIGEST: AB 1704, Committee on Judiciary. Family law: local child support agencies.

(1) Existing law specifies the information to be contained in an acknowledgment of satisfaction of judgment.

This bill would authorize a local child support agency director or his or her designee to execute and acknowledge an acknowledgment of satisfaction of judgment if the agency has been providing child support services, as specified, to be recorded pursuant to paragraph (1).

(2) Existing law sets forth the required informational contents of judgments for paternity and orders for child support.

This bill would make those requirements inapplicable in cases in which a local child support agency is providing child support services, and would make related changes.

(3) Existing law authorizes a local child support agency to serve a respondent with a form of a proposed judgment specifying his or her presumed income if the actual income is not known to the agency.

This bill would revise the determination of that presumed income.

(4) Existing law authorizes hearings regarding support orders that involve an out-of-state party to be conducted by telephone conference or other remote means.

This bill would extend this authorization to instances in which both parents reside in California, and would require the Judicial Council to adopt rules of court regarding such hearings on or before July 1, 2005.

(5) Existing law provides that once a parent has requested or is receiving support enforcement services, a local child support agency or the Attorney General is required to serve on a parent all child support pleadings served on the agency, as specified.

This bill would impose a state-mandated local program by extending this requirement to paternity pleadings served on a local child support agency. The bill would also apply to paternity pleadings served on the Attorney General.

(6) Existing law authorizes a court, on terms that may be just, to relieve a defendant from that part of a judgment or order concerning the amount of child support to be paid in an action filed by a local child support agency.

This bill would specify that a court may set aside that part of the judgment or order, and require the Judicial Council to revise related forms effective July 1, 2005.

(7) Existing law authorizes certain documents to be recorded without acknowledgment, certificate of acknowledgment, or further proof.

This bill would authorize to be recorded under these provisions a notice of support judgment and other specified documents completed and recorded by a local child support agency or a state agency acting pursuant to specified provisions of the federal Social Security Act.

(8) Existing law authorizes each trial court to establish and appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, and provides that, as of a specified date, all persons who were authorized to serve as subordinate judicial officers are authorized to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.

This bill would provide that certain child support commissioners shall receive a salary equal to 85% of a superior court judge's salary.

(9) Existing law authorizes a support obligor to apply for a claim of exemption from a levy by the Franchise Tax Board, as specified.

This bill would limit that authorization to specified instances in which the support obligor is in compliance with scheduled payments on child support arrearages.

(10) Existing law specifies the persons who may inspect a case file with respect to juvenile court proceedings.

This bill would add to the list of persons so authorized, a local child support agency for purposes of establishing paternity and establishing and enforcing child support orders.

(11) This bill would also incorporate further amendments to Section 827 of the Welfare and Institutions Code proposed by AB 2228, contingent upon its prior enactment.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$ 1,000,000 statewide and other procedures for claims whose statewide costs exceed \$ 1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SYNOPSIS: An act to amend Section 724.060 of the Code of Civil Procedure, to amend Sections 4014, 4202, 5002, 17400, 17406, 17432, and 17500 of, and to add Section 5003 to, the Family Code, to amend Section 27282 of the Government Code, to amend Section 19271.6 of the Revenue and Taxation Code, and to amend Section 827 of the Welfare and Institutions Code, relating to family law.

NOTICE: [A> Uppercase text within these symbols is added <A]

* * * indicates deleted text

TEXT: The people of the State of California do enact as follows:

...

...

[*2] SECTION 2. Section 4014 of the Family Code is amended to read:
§ 4014.

(a) Any order for child support issued or modified pursuant to this chapter shall include a provision requiring the obligor and child support obligee to notify the other parent or, if the order requires payment through an agency designated under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651, et seq.), the agency named in the order, of the name and address of his or her current employer.

(b) [A> THE REQUIREMENTS SET FORTH IN THIS SUBDIVISION APPLY ONLY IN CASES IN WHICH THE LOCAL CHILD SUPPORT AGENCY IS NOT PROVIDING CHILD SUPPORT SERVICES PURSUANT TO SECTION 17400. <A] To the extent required by federal law, and subject to applicable confidentiality provisions of state or federal law, any judgment for paternity and any order for child support entered or modified pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file with the court all of the following information:

- (1) Residential and mailing address.
- (2) Social security number.
- (3) Telephone number.
- (4) Driver's license number.
- (5) Name, address, and telephone number of the employer.
- (6) Any other information prescribed by the Judicial Council.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the court within 10 days after any event causing a change in the previously provided information.

(c) [A> THE REQUIREMENTS SET FORTH IN THIS SUBDIVISION SHALL ONLY APPLY IN CASES IN WHICH THE LOCAL CHILD SUPPORT AGENCY IS NOT PROVIDING CHILD SUPPORT SERVICES PURSUANT TO SECTION 17400. <A] Once the child support registry, as described in Section 16576 of the Welfare and Institutions Code is operational, any judgment for paternity and any order for child support entered or modified

pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file and keep updated the information specified in subdivision (b) with the child support registry.

(d) The Judicial Council shall develop forms to implement this section. The forms shall be developed so as not to delay the implementation of the Statewide Child Support Registry described in Section 16576 of the Welfare and Institutions Code and shall be available no later than 30 days prior to the implementation of the Statewide Child Support Registry.

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DEERING'S CALIFORNIA CODES ANNOTATED
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2003 REGULAR SESSION
CHAPTER 225 (Assembly Bill No. 1752)

2003 Cal ALS 225; 2003 Cal AB 1752;
Stats 2003 ch 225

Approved by Governor August 9, 2003. Filed with Secretary of State August 11, 2003. Urgency legislation is effective immediately, Non-urgency legislation will become effective January 1, 2004

DIGEST:

AB 1752, Committee on Budget. Human services.

(1) Existing law establishes uniform guidelines for determining child support. In certain cases, the court is required to rule on whether a low-income adjustment shall be made to the amount calculated under these guidelines. If the court allows that adjustment, existing law requires the court to state the reasons supporting the adjustment in writing and on the record.

This bill would provide for a rebuttable presumption that the child support obligor is entitled to a low-income adjustment, as specified. The bill would also delete the requirement that the court state the reasons supporting the adjustment.

.....

(3) Existing law authorizes a local child support agency to establish, modify, and enforce child support obligations and provides for a simplified complaint form. If the support obligor's income or income history is unknown to the agency, the complaint form is required to inform the obligor that income shall be presumed to be in a specified amount.

This bill would instead provide that the income shall be presumed to be the amount of the minimum wage, as specified.

(4) Existing law authorizes a court to set aside a child support order under specified conditions. A motion for relief pursuant to that provision is required to be filed within 90 days of the first collection of money by the local child support agency or the obligee.

This bill would revise the conditions under which the order may be set aside and would extend the time period for filing a motion for relief to one year. The bill would also require the local child support agency to check sources of income and make a determination whether the order qualifies for set aside. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The bill would also require the Judicial Council to review and modify any relevant forms for purposes of these provisions, as specified.

(5) Existing law authorizes a local child support agency to collect a delinquent child support obligation by issuing a levy, as specified. Existing law also authorizes the agency to transfer child support delinquencies to the Franchise Tax Board for collection. When a child support delinquency is transferred to the Franchise Tax Board, as specified, the amount of the delinquency may be collected by the Franchise Tax Board in any manner authorized under the law for collection of a delinquent income tax liability. Existing law authorizes the Franchise Tax Board to require various persons and depository institutions having in their possession or under their control things of value belonging to a taxpayer to withhold the amount of any tax, interest, or penalties due from the taxpayer and transmit that amount to the Franchise Tax Board.

This bill would require, when a local child support agency issues a levy upon, or when the Franchise Tax Board requires any employer, person, or other specified entity to withhold the amount of, a financial asset, as defined, for the purpose of collecting a delinquent child support obligation, the person, financial institution, or securities intermediary, as defined, in possession or control of the financial asset to liquidate the asset in a commercially reasonable manner within 20 days of the issuance of the levy or the notice to withhold. The bill would also require the person, financial institution, or securities intermediary to transfer the proceeds of the liquidation to the local child support agency or the Franchise Tax Board, as applicable, within 5 days of liquidation.

The bill would also require the Department of Child Support Services to develop a program pursuant to which the department may accept offers in compromise of child support arrears, as specified, until January 1, 2007. The bill would require the department to report to the Legislature on the results of the program by June 30, 2006.

The bill would specifically provide that the assets of an obligor held by a financial institution are subject to levy. However, the bill would create a specified exemption.

...

NOTICE: [A> Uppercase text within these symbols is added <A]

* * * indicates deleted text

...

[*1] **SECTION 1. Section 4055 of the Family Code is amended to read:**

§ 4055.

(a) The statewide uniform guideline for determining child support orders is as follows: $CS = K [HN - (H\%) (TN)]$.

- (b) (1) The components of the formula are as follows:
- (A) CS = child support amount.
 - (B) K = amount of both parents' income to be allocated for child support as set forth in paragraph (3).
 - (C) HN = high earner's net monthly disposable income.
 - (D) H% = approximate percentage of time that the high earner has or will have primary physical responsibility for the children compared to the other parent. In cases in which parents have different time-sharing arrangements for different children, H% equals the average of the approximate percentages of time the high earner parent spends with each child.
 - (E) TN = total net monthly disposable income of both parties.
- (2) To compute net disposable income, see Section 4059.
- (3) K (amount of both parents' income allocated for child support) equals one plus H% (if H% is less than or equal to 50 percent) or two minus H% (if H% is greater than 50 percent) times the following fraction:

Total Net Disposable Income Per Month	K
\$ 0 - 800	$0.20 + \text{TN}/16,000$
\$ 801 - 6,666	0.25
\$ 6,667 - 10,000	$0.10 + 1,000/\text{TN}$
Over \$ 10,000	$0.12 + 800/\text{TN}$

For example, if H% equals 20 percent and the total monthly net disposable income of the parents is \$ 1,000, $K = (1 + 0.20) \times 0.25$, or 0.30. If H% equals 80 percent and the total monthly net disposable income of the parents is \$ 1,000, $K = (2 - 0.80) \times 0.25$, or 0.30.

- (4) For more than one child, multiply CS by:

2 children	1.6
3 children	2
4 children	2.3
5 children	2.5
6 children	2.625
7 children	2.75
8 children	2.813
9 children	2.844
10 children	2.86

(5) If the amount calculated under the formula results in a positive number, the higher earner shall pay that amount to the lower earner. If the amount calculated under the formula results in a negative number, the lower earner shall pay the absolute value of that amount to the higher earner.

(6) In any default proceeding where proof is by affidavit pursuant to Section 2336, or in any proceeding for child support in which a party fails to appear after being duly noticed, H% shall be set at zero in the formula if the noncustodial parent is the higher earner or at 100 if the custodial parent is the higher earner, where there is no evidence presented demonstrating the percentage of time that the noncustodial parent has primary physical responsibility for the children. H% shall not be set as described above if the moving party in a default proceeding is the noncustodial parent or if the party who fails to appear after being duly noticed is the custodial parent. A statement by the party who is not in default as to the percentage of time that the noncustodial parent has primary physical responsibility for the children shall be deemed sufficient evidence.

(7) In all cases in which the net disposable income per month of the obligor is less than one thousand dollars (\$ 1,000), * * * [A] THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE OBLIGOR IS ENTITLED TO <A] a low-income adjustment * * *. The * * * [A] PRESUMPTION MAY BE REBUTTED BY EVIDENCE SHOWING THAT THE APPLICATION OF THE LOW-INCOME ADJUSTMENT WOULD BE UNJUST AND INAPPROPRIATE IN THE PARTICULAR CASE. IN DETERMINING WHETHER THE PRESUMPTION IS REBUTTED, THE COURT SHALL CONSIDER <A] the principles provided in Section 4053, and the impact of the contemplated adjustment on the respective net incomes of the obligor and the obligee. * * * [A] THE <A] low-income adjustment shall * * * [A] REDUCE <A] the child support amount otherwise determined under this section * * * by an amount that is no greater

than the amount calculated by multiplying the child support amount otherwise determined under this section by a fraction, the numerator of which is 1,000 minus the obligor's net disposable income per month, and the denominator of which is 1,000. * * *

(8) Unless the court orders otherwise, the order for child support shall allocate the support amount so that the amount of support for the youngest child is the amount of support for one child, and the amount for the next youngest child is the difference between that amount and the amount for two children, with similar allocations for additional children. However, this paragraph does not apply to cases in which there are different time-sharing arrangements for different children or where the court determines that the allocation would be inappropriate in the particular case.

(c) If a court uses a computer to calculate the child support order, the computer program shall not automatically default affirmatively or negatively on whether a low-income adjustment is to be applied. If the low-income adjustment is applied, the computer program shall not provide the amount of the low-income adjustment. Instead, the computer program shall ask the user whether or not to apply the low-income adjustment, and if answered affirmatively, the computer program shall provide the range of the adjustment permitted by paragraph (7) of subdivision (b).

...

....